

Flake	Martinez	Roybal
Foglietta	Matsui	Russo
Ford (MI)	Mavroules	Sabo
Ford (TN)	Mazzoli	Sanders
Frank (MA)	McCloskey	Sangmeister
Frost	McCurdy	Santorum
Gaydos	McDermott	Sarpaluis
Gedjenson	McGrath	Savage
Gephardt	McHugh	Sawyer
Geren	McMillen (MD)	Scheuer
Gibbons	McNulty	Schiff
Gillmor	Mfume	Schulze
Gilman	Miller (CA)	Schumer
Glickman	Mineta	Serrano
Gonzalez	Mink	Sharp
Gordon	Moakley	Shaw
Green	Mollohan	Sisisky
Guarini	Montgomery	Skaggs
Gunderson	Moody	Skeen
Hall (OH)	Moorhead	Skelton
Hall (TX)	Moran	Slattery
Hamilton	Morrison	Slaughter
Hansen	Mrazek	Smith (FL)
Harris	Murtha	Smith (IA)
Hatcher	Myers	Smith (NJ)
Hayes (IL)	Nagle	Snowe
Hayes (LA)	Natcher	Solarz
Hefner	Neal (MA)	Spence
Hertel	Neal (NC)	Spratt
Hoagland	Nichols	Staggers
Hochbrueckner	Nowak	Stallings
Horn	Oberstar	Stark
Horton	Obey	Stenholm
Hoyer	Olver	Stokes
Hubbard	Ortiz	Studds
Huckaby	Orton	Sweet
Hughes	Owens (NY)	Swift
Hutto	Owens (UT)	Synar
Jefferson	Oxley	Tallon
Johnson (SD)	Packard	Tanner
Johnson (TX)	Pallone	Tauzin
Johnston	Panetta	Taylor (MS)
Jones (NC)	Parker	Thomas (GA)
Jontz	Pastor	Thornton
Kanjorski	Patterson	Torres
Kaptur	Payne (VA)	Torricelli
Kasich	Pease	Towns
Kennedy	Pelosi	Trafficant
Kennelly	Penny	Traxler
Kildee	Peterson (FL)	Unsoeld
Klecza	Peterson (MN)	Valentine
Klug	Petri	Vander Jagt
Kolter	Pickett	Vento
Kopetski	Pickle	Visclosky
Kostmayer	Porter	Volkmer
LaFalce	Poshard	Washington
Lancaster	Price	Waters
Lantos	Rahall	Waxman
LaRocco	Ravenel	Weiss
Laughlin	Ray	Wheat
Lehman (CA)	Reed	Whitten
Lehman (FL)	Rhodes	Williams
Levin (MI)	Richardson	Wilson
Lewis (GA)	Rinaldo	Wise
Lipinski	Ritter	Wolpe
Lloyd	Roemer	Wyden
Long	Rose	Wyllie
Lowey (NY)	Rostenkowski	Yates
Luken	Roth	Yatron
Markey	Rowland	

NAYS—115

Allard	Dornan (CA)	Lagomarsino
Allen	Duncan	Leach
Armey	Emerson	Lent
Baker	Fawell	Lewis (CA)
Ballenger	Franks (CT)	Lewis (FL)
Barrett	Galleghy	Lightfoot
Barton	Gallo	Lowery (CA)
Bereuter	Gekas	Machtley
Bilirakis	Gingrich	Martin
Bliley	Goodling	McCandless
Boehlert	Goss	McCollum
Boehner	Hancock	McCrery
Bunning	Hastert	McDade
Burton	Hefley	McEwen
Camp	Henry	McMillan (NC)
Campbell (CA)	Herger	Meyers
Chandler	Hobson	Michel
Clay	Holloway	Miller (OH)
Coble	Hopkins	Miller (WA)
Coleman (MO)	Hunter	Molinari
Cox (CA)	Hyde	Murphy
Crane	Inhofe	Nussle
Cunningham	Ireland	Paxon
Dannemeyer	Jacobs	Quillen
Davis	James	Ramstad
DeLay	Johnson (CT)	Regula
Dickinson	Kolbe	Ridge
Doolittle	Kyl	Riggs

Roberts	Sikorski	Walker
Rogers	Smith (OR)	Walsh
Rohrabacher	Smith (TX)	Weber
Ros-Lehtinen	Solomon	Weldon
Roukema	Stearns	Wolf
Saxton	Stump	Young (AK)
Schaefer	Sundquist	Young (FL)
Schroeder	Taylor (NC)	Zeliff
Sensenbrenner	Thomas (WY)	Zimmer
Shays	Upton	
Shuster	Vucanovich	

ANSWERED "PRESENT"—1

Edwards (CA)

NOT VOTING—31

Abercrombie	Gilchrest	Morella
Anthony	Gradison	Oakar
AuCoin	Grandy	Olin
Bentley	Hammerschmidt	Payne (NJ)
Blackwell	Houghton	Perkins
Boxer	Jenkins	Pursell
Coughlin	Jones (GA)	Rangel
Donnelly	Levine (CA)	Roe
Edwards (OK)	Livingston	Thomas (CA)
Engel	Manton	
Fields	Marlenee	

So the Journal was approved.

§57.3 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3545. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled, "Rural Telephone Bank Reserve Account Act of 1992"; to the Committee on Agriculture.

3546. A letter from the Acting Comptroller General, the General Accounting Office, transmitting a review of the President's 73d and 74th special impoundment messages for fiscal year 1992, pursuant to 2 U.S.C. 685 (H. Doc. No. 102-333); to the Committee on Appropriations and ordered to be printed.

3547. A letter from the Administration and Management, Director, Department of Defense, transmitting notification of the Department of the Navy's decision to exercise the provision for exclusion of the clause concerning examination of records by the Comptroller General, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

3548. A letter from the Under Secretary of Defense, transmitting notification of waiver of the application of the survivability tests of section 2366 to the F/A-18E/F aircraft acquisition program, pursuant to 10 U.S.C. 2366; to the Committee on Armed Services.

3549. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of Receipts and Disbursements of the Office of People's Counsel Agency Trust Fund," pursuant to D.C. Code, section 47-117(d); to the Committee on the District of Columbia.

3550. A letter from the Secretary of Education, transmitting notice of Final Priorities for Fiscal Year 1992—Rehabilitation Short-Term Training, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3551. A letter from the Administrator, General Services Administration, transmitting notification of a revised records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3552. A letter from the Director, Financial Services, Library of Congress, transmitting the balance sheet, statement of income and expenditures, statement of cash flows, and supporting schedules of transactions, present the activity for the Capitol Preservation Fund for Coin Sales Surcharges and Gift and Sales of Art, Property, and Money for the fiscal year April 1, 1991, through March 31, 1992; to the Committee on House Administration.

3553. A letter from the Assistant Secretary (Tax Policy), Department of the Treasury,

transmitting a draft of proposed legislation entitled, "Railroad Retirement Administrative Improvements Act of 1992"; to the Committee on Ways and Means.

3554. A letter from the Comptroller of the Department of Defense, transmitting a report on proposed obligations for facilitating weapons destruction and nonproliferation in the former Soviet Union; jointly, to the Committees on Appropriations and Foreign Affairs.

§57.4 PRIVILEGES OF THE HOUSE

Mr. SANTORUM rose to a question of the privileges of the House and submitted the following resolution (H. Res. 460):

Whereas the reputation of the House has been besmirched by the manner in which financial records of the House have been maintained; and

Whereas required audits of House accounts have not been performed; and

Whereas the procedure used for expenditures under the House contingent fund were regarded by Congress as a "scandal" when used by the United States Air Force in its "M Account"; and

Whereas the \$16 million budget of the Capitol Preservation Commission has not been subjected to a required audit by the General Accounting Office according to a study by the Heritage Foundation; and

Whereas the reprogramming of monies under said accounts has not been made public or widely shared with the membership of the House: Now, therefore, be it

Resolved, That the Speaker is directed to have performed complete financial and performance audits of the Capital Preservation Commission account and the House Contingent account; And be it further

Resolved, That the Speaker shall have said audits done by an independent third party; And be it further

Resolved, That said audits shall be completed within 90 days and the results of said audits shall be provided to the full membership of the House.

Pending the Speaker's ruling,

Mr. SANTORUM was recognized to speak to the question of the privileges of the House and said:

"Mr. Speaker, we have heard some of the comments of the 1-minute speeches. There have been reports in the newspapers and allegations made as to improprieties or potential improprieties conducted within the contingent funds of the House, that there was, in fact, no audit conducted of the Capitol preservation account that was required as reported by the Heritage Foundation, that these are allegations that do bring into question some of the doings here in the House of Representatives. And as a result, I think it rises to a question of privilege and would request that this resolution be made in order."

Mr. WALKER was recognized to speak to the question and said:

"Mr. Speaker, the test for a question of privilege is whether or not there are allegations of wrongdoing contained within the resolution and whether or not those questions of wrongdoing do, in fact, reflect upon the integrity of the House of Representatives. In this case, there are two allegations of alleged wrongdoing. In the case of the Capitol Preservation Commission, the law does require an audit by the Gen-

eral Accounting Office. According to a recent study by the Heritage Foundation, said audit has not been done.

"So, therefore, that does constitute a question of improper conduct. And so, therefore, it should be permitted.

"Beyond that, the method in which the House contingent account has been run, namely, multiyear authorizations and expenditures, was, in fact, regarded by Congress as an unacceptable means of expenditure, when it involved the U.S. Air Force and its so-called M account.

"Furthermore, these procedures have recently been characterized by the Wall Street Journal, a national publication, as 'Congress having arranged special treatment for itself and shielded its operations from public scrutiny.'

"We do have now an allegation by a major national news source that what we are doing here constitutes wrongdoing in the public realm. So in that case, allegations of wrongdoing in the public domain also raise a question of privileges before the House.

"So for those reasons, I would say that the gentleman's resolution is in order and should be debated by the House."

Mr. FAZIO was recognized to speak to the question and said:

"Mr. Speaker, I would like to be heard on this so-called privileged resolution.

"My remarks are in two categories. Specifically, as I look at the resolution there is a reference to the failure to audit the Capitol Preservation Commission. That is the only real allegation of any specificity in the resolution. And I might try to place on the record some facts that obviously eluded the Heritage Foundation, which is the source of the information which was just presented by the two gentleman from Pennsylvania.

"The Preservation Commission audit has begun and is ongoing. Of course, the General Accounting Office is required, and I agree with the gentleman from Pennsylvania [Mr. WALKER], to do so under the law in which the Preservation Commission was created. Section 804 of Public Law 106-96 asked that an audit be done on an annual basis.

"But the Commission, which was authorized in 1988, did not hold its first meeting until 1991, and no financial activities were undertaken until later. And so it was impossible effectively for any financial audit to be performed until activities took place and expenditures were made in February 1991.

"We believe that the ongoing Commission audit is the first opportunity to look at any activity of any consequence which took place under the purview of the Commission, and in my view, when the GAO is able to allocate sufficient resources, given the other responsibilities they have been given by this institution in other areas, they will complete this audit and it will be available to us, just as the law requires.

"The other comments made by the gentleman from Pennsylvania [Mr.

WALKER] relate to articles in the Wall Street Journal, Heritage Foundation reports, and I suppose we could say articles that appeared in the Washington Times, all of which are repeating rumors and innuendoes which are circulated by all of these entities on a regular basis. There is no factual content to the resolution otherwise.

"There, obviously, is an effort here to inflame public concern about the way the House operates. The House record of doing audits is a good one, and I suppose that is why no other entity or activity other than the Preservation Commission was cited with any specificity in the resolution.

"So it is clearly an inappropriate occasion for these issues to be brought before the House. There will be ample opportunity to discuss these matters on other legislation that will come before us during the remainder of this year.

"There is no question that this issue has been before us before and been discussed in the context of the legislative branch appropriation bill, and in reference to the Iran-Contra investigation when the whole subject of contingent fund expenditures of the House of Representatives was discussed in great depth with the minority whip, Mr. GINGRICH.

"Mr. Speaker, at a subsequent point in the RECORD I will include a series of audits which have been conducted of the legislative branch activities going back to the 1st of October of 1987, and we will provide this to make sure that all of the audits which have been performed are available in the RECORD so those who seem to be unable to find them will know where to go to obtain them so that in the future their comments can be made more accurately."

The SPEAKER pro tempore, Mr. McNULTY, ruled that the resolution submitted did not present a question of the privileges of the House under rule IX, and said:

"The Chair is prepared to rule. A question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation. Similarly a question of the privileges of the House may not invoke to effect a change in the operation of law.

"The instant resolution does not allege a deviation from or violation of the duly constituted procedures of the House affecting the range of account activity addressed in the resolution after its resolving clause. Rather, with respect to almost the whole of that range, the resolution takes issue with the very adequacy of the procedures under existing law and rule. It does not confine itself to the redress of an abuse of existing rules. Rather it proposes to change and add to such rules, including the new auditing requirements of rule LIII, as adopted in House Resolution 423 on April 9, 1992 by requiring a comprehensive financial and performance audit of all contingency accounts within 90 days.

"An assertion that the reputation of the House is besmirched because it does not follow a particular course of action suggested as an improvement in its operation does not present a question affecting the rights of the House collectively, its safety, dignity, or the integrity of its proceedings under the precedents. That such an assertion may have been echoed in a major financial publication does not change the matter. On this point the opinion of Speaker Colfax on April 21, 1868—which is recorded in Hinds' Precedents, volume 3, section 2639—on the subject of general charges concerning the proceedings of the House—in that instance in a newspaper—is aptly quoted:

If this proposition could be entertained as a question of privilege, the House of Representatives would or could have resolutions upon questions of privilege before them every day, because probably not a day elapses without some newspaper in the country making a general charge against the Congress or some of its Members. These charges must be specific charges. A general charge that some conduct has been scandalous and unjust, the Chair will rule is not a question of privilege * * *.

"The preamble of instant resolution does not present a predicate for a question of the privileges of the House. As Speaker pro tempore Cox noted in the precedent of September 20, 1888, which is recorded in Hinds' Precedents, volume 3, section 2601, there is no allegation of impropriety. Similarly, the matter after its resolving clause merely proposes what amounts to a new rule for audits of all House accounts without alleging improper conduct with respect to all those accounts.

"Therefore, the Chair rules that the resolution does not constitute a question of the privileges of the House."

Mr. SANTORUM appealed the ruling of the Chair.

Mr. GEPHARDT moved to lay the appeal on the table.

The question being put, viva voce,

Will the House lay on the table the appeal of the ruling of the Chair?

The SPEAKER pro tempore, Mr. McNULTY, announced that the yeas had it.

Mr. SANTORUM objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 262
Nays 149

¶57.5

[Roll No. 130]

YEAS—262

Abercrombie	Bennett	Campbell (CO)
Ackerman	Berman	Cardin
Alexander	Bevill	Carper
Anderson	Bilbray	Carr
Andrews (ME)	Bonior	Chapman
Andrews (NJ)	Borski	Clay
Andrews (TX)	Brewster	Clement
Annunzio	Brooks	Coleman (TX)
Applegate	Browder	Collins (IL)
Aspin	Brown	Collins (MI)
Atkins	Bruce	Combest
Bacchus	Bryant	Condit
Barnard	Bustamante	Conyers
Beilenson	Byron	Costello